

NOV. 10. 2004 5:03PM CALFEE HALTER GRISWOLD NOV 10 2004 NO. 4338 P. 1



CALFEE, HALTER & GRISWOLD LLP

November 10, 2004

TO: Examiner T. Nguyen
FAX NUMBER: 1-703-872-9306
SEND ONLY TO THE ABOVE FAX NUMBER:

CONFIRMATION
PHONE NUMBER: 1-703-306-9046

FROM: Ned Pejic
DIRECT DIAL PHONE NUMBER: 216-622-8835

CLIENT NO.: 12873

MATTER NO.: 04651

CLIENT NAME: Invacare

NUMBER OF PAGES (including this page): 24

MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Examiner: T. Nguyen
Robert R. Bly :
Serial No.: 10/672,677 : Art Unit: 3751
Filed: September 26, 2003 : Docket No.: 12873-04651
Title: Commode Safety Frame :

AMENDMENT

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PAGE 1/24 * RCVD AT 11/10/2004 5:01:59 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/3 * DNIS:8729306 * CSID:2162410816 * DURATION (mm:ss):05:32

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0661-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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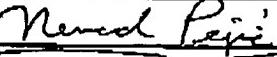
Total Number of Pages In This Submission

Application Number	10/672,677
Filing Date	September 26, 2003
First Named Inventor	Bly
Art Unit	3751
Examiner Name	T. Nguyen
Total Number of Pages In This Submission	23
Attorney Docket Number	12873-04851

ENCLOSURES (Check all that apply)

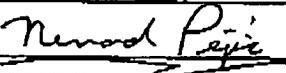
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<input type="checkbox"/> Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature			
Printed name	Nenad Pejic		
Date	November 10, 2004	Reg. No.	37,415

CERTIFICATE OF TRANSMISSION/MAILING

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Signature	
Typed or printed name	Nenad Pejic
Date	November 10, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$ 660.00)
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Complete if Known

Application Number	10/672,677
Filing Date	September 26, 2003
First Named Inventor	Bly
Examiner Name	T. Nguyen
Art Unit	3751
Attorney Docket No.	12873-04651

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number	03-0172
Deposit Account Name	Calfee, Halter & Griswold

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1261 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 880	2253 480	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 680	2503 330	Plant issue fee	
1460 130	1480 130	Petitions to the Commissioner	
1607 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 780	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 780	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 780	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0)

Total Claims	42	-20** = 22	X 18	= 396
Independent Claims	6	- 3** = 3	X 88	= 264
Multiple Dependent				= 660

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 660.00)

**or number previously paid, if greater. For Reissues, see above

(Complete if applicable)

Name (Print/Type)	Nenad Pejic	Registration No. (Attorney/Agent)	37,415	Telephone	216-622-8835
Signature	Nenad Pejic			Date	November 10, 2004

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NOV 10 2004

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I hereby certify that this Amendment is being facsimile transmitted to 1-703-872-9306 addressed to: Commissioner for Patents, Mail Stop Amendment Alexandria, Virginia, 22313, on this 10 day of November, 2004.

NEVAD PEJIC
Print Name
Nevad Pejic
Signed

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Examiner: T. Nguyen
Robert R. Bly :
Serial No.: 10/672,677 : Art Unit: 3751
Filed: September 26, 2003 : Docket No.: 12873-04651
Title: Commode Safety :
Frame :

AMENDMENT

Mail Stop Amendment
Commissioner of Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office action of August 10, 2004,
please amend the above-identified application as follows:

Amendments to the Specification begin on page 2.
Amendment to the Claims begin on page 6.
Remarks/Arguments begin on page 16.